



## Antigua and Barbuda

### Country Reports on Human Rights Practices - [2002](#)

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Antigua and Barbuda is a multiparty, parliamentary democracy and a member of the Commonwealth of Nations. A prime minister, a cabinet, and a bicameral legislative assembly composed the Government. A Governor General, appointed by the British monarch, was the titular head of state, with largely ceremonial powers. Prime Minister Lester B. Bird's Antigua Labour Party (ALP) has controlled the Government and Parliament since 1976. In the 1999 elections, which observers described as free but not fair, the ALP retained power by winning 12 of 17 parliamentary seats. The Constitution provides for an independent judiciary.

Security forces consisted of a police force and the small Antigua and Barbuda Defense Force. The police were organized, trained, and supervised according to British law enforcement practices. The civilian authorities generally maintained effective control of the security forces. There were reports of occasional instances of excessive use of force by the police and prison guards.

The country had a mixed economy with a strong private sector. The population was approximately 76,000. Tourism was the most important source of foreign exchange earnings. Economic activity in the first quarter expanded relative to the same period in 2001 due to increased activity in the construction, communication, and government services sectors. The country was burdened by a large and growing external debt, which remained a serious economic problem. Economic growth slowed to 1.5 percent in 2001 from 2.5 percent in 2000. The unemployment rate was 11 percent at the end of 2001.

The Government generally respected the human rights of its citizens; however, problems remained in several areas. There were reports of a killing in custody and of police brutality. Prison conditions were poor, and there were allegations of abuse of prison inmates and sexual harassment of female prison guards. Opposition parties had greater opportunities to express their views through a radio station that started operations in 2001; however, the radio station owners continued to report efforts by the Government to limit their access to the public. Societal discrimination and violence against women continued to be problems. Antigua and Barbuda was invited by the Community of Democracies' (CD) Convening Group to attend the November 2002 second CD Ministerial Meeting in Seoul, Republic of Korea, as a participant.

### RESPECT FOR HUMAN RIGHTS

#### Section 1. Respect for the Integrity of the Person, Including Freedom From:

##### a. Arbitrary or Unlawful Deprivation of Life

In May police shot and killed Andy "Natty Rough" Francis, who had been held more than 48 hours without being charged, when he attempted to escape the police station. His brother, Richard Williams, who was a prisoner, was denied permission to attend the funeral or view the body. The assistant police commissioner and three other police officers investigated the shooting; in addition, the Ministry of Public Security appointed a two-man commission to investigate. The Commission recommended a formal coroner's inquest, which could compel witness testimony, and also noted discrepancies in the police account of events.

In September Glen Harper died at his home in the Gambles area while police were attempting to subdue him after he beat his father unconscious. According to newspaper reports, Harper attacked the officers and almost bit off the finger of one of the officers. A post mortem revealed that Harper died as a result of a fractured spine after reportedly throwing himself against the wall and veranda of the house. The Director of Public Prosecutions (DPP)

requested a formal coroner's inquest, which had not taken place by year's end.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices, and the authorities generally respected these prohibitions in practice; however, there were occasional reports of police brutality and threatening behavior and allegations of abuse by prison guards.

In October a court found police Corporal Clarence Francis guilty on charges of shooting and wounding Gerald Collymore Horsford in December 2000 and sentenced him to 9 months in jail.

Prison conditions were poor. Conditions at the lone, 18th century prison worsened considerably after a fire destroyed most of the facility in 1999. The prison remained overcrowded, with 146 prisoners. Prison conditions were unsanitary and inadequate, particularly in regard to recreation and rehabilitation, but the Government asserted that an inspection in June 2001 by the United Kingdom's Inspectorate of Prisons had not found the prison or the food unsanitary. A followup inspection was conducted in November. The Rehabilitation Center for prisoners found guilty of committing minor crimes held seven male prisoners at year's end.

Pretrial detainees were not held together with convicted prisoners.

In July the Government established a task force to investigate and report any inappropriate behavior by management and staff at the prison during the previous 6 months and to investigate allegations of sexual harassment among prison staff and prisoners. Task force members included the Medical Superintendent at the Mental Hospital, a retired High Court Judge, a Senior Foreign Affairs Officer, and a retired Senior Probation Officer. While the Government did not make the report public, in September the Outlet newspaper reported that it called for the Prison Superintendent to step down, citing claims by female prison officers that the Prison Superintendent had harassed them sexually, which the superintendent denied. According to the newspaper, the task force also criticized prison management for causing resentment and morale problems among staff by favoring younger officers over more experienced officers and for not adequately investigating allegations that a prison guard was involved sexually with an inmate. The Labor Ministry's Permanent Secretary declined to take action on the task force report, based on an analysis by the Labor Commissioner that it lacked sufficient evidence to support its recommendation that the Prison Superintendent be discharged.

The women's prison facility was separate and did not experience the problems encountered in the men's prison. There was no separate facility for juveniles, who were housed with adult inmates.

The Government permitted prison visits by independent human rights observers.

d. Arbitrary Arrest, Detention, or Exile

The Constitution prohibits arbitrary arrest and detention, and the Government generally respected these prohibitions in practice.

Criminal defendants had the right to a judicial determination of the legality of their detention. The police must bring detainees before a court within 48 hours of arrest or detention. However, members of the opposition United Progressive Party (UPP) asserted that there were instances where this was violated, particularly on Thursdays or Fridays, and that increasingly, arresting and detention officers were unavailable to arrange bail or to expedite the process of releasing detainees. The press reported that Andy Francis was held more than 48 hours without charges (see Section 1.a.).

The law prohibits forced exile, and the Government did not use it in practice.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice.

The judicial system is part of the Eastern Caribbean legal system and reflects historical ties to the United Kingdom. The Constitution designates the Privy Council in London as the final court of appeal, which always is employed in the case of death sentences. There were no military or political courts.

The Constitution provides that criminal defendants should receive a fair, open, and public trial. In capital cases only, the Government provided legal assistance at public expense to persons without the means to retain a private attorney. Courts can reach verdicts quickly, with some cases coming to conclusion in a matter of days.

There were no reports of political prisoners.

#### f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such practices, and government authorities generally respected these prohibitions in practice. Violations were subject to effective legal sanction.

### Section 2. Respect for Civil Liberties, Including:

#### a. Freedom of Speech and Press

The Constitution provides for freedom of speech, of the press, and other forms of communication, and the authorities generally respected these provisions in practice. Privately owned print media, including daily and weekly newspapers, were active and offered a range of opinion, often publishing vigorous criticism of the Government. However, the Government restricted opposition parties' access to electronic media, effectively denying them equal coverage.

The Government owned one of the three general interest radio stations and the single television station. A religious station broadcast without impediment. One of the Prime Minister's brothers owned the second radio station, and another brother was the principal owner of the sole cable television company. The government-controlled media reported regularly on the activities of the Government and the ruling party but limited their coverage of and access by opposition parties.

In April 2001, the country's first independent broadcast media, the Observer radio station, became operational. Permission to operate the station was granted only after the United Kingdom Privy Council upheld the owners' suit against the Government for denying an operating license. This radio station, operated by the owners of the Observer newspaper, was accessible to political and religious groups of all persuasions, and was utilized occasionally by the Government. The opposition accused the Government of trying to marginalize the Observer radio station by refusing to grant it duty free concessions; ZDK Radio, which is owned by members of the Prime Minister's family, received such concessions. The opposition UPP, which publishes the Crusader newspaper, also applied for and received a radio license in 2001; however, the station had not begun operations at year's end.

The Government continued to restrict the opposition's access to the media, and there continued to be allegations of censorship as the result of subtle coercive pressure by influential persons. For example, owners of the Observer radio station claimed that several large corporations declined to advertise on the station for fear of losing lucrative government contracts. In addition, the Government, citing violations of the Telecommunications Act, revoked the owners' license to operate satellite transmission equipment and seized the equipment. At year's end, the Government withdrew individual charges against the owner but continued to press charges against the company.

Journalists and media houses continued to report efforts by the Government to restrict coverage of alleged government scandals. In February the Government asked Julius Gittens, a Barbadian journalist hired to help in the start-up phase of the Observer radio station, to leave the country on the basis that he had failed to follow the proper procedures to secure a work permit. Radio station personnel alleged that Gittens was asked to leave because the station had called for public inquiries into alleged government scandals. According to Gittens, government authorities told him he was not eligible to reapply for a new work permit on the basis of a nonpublished government ruling that limits work permits to no more than two nonnationals in any media house; he would be the third nonnational at Observer radio.

In August two separate fires interrupted the operations of ZDK Radio and the cable television station, both owned by members of the Prime Minister's family.

In May a lone masked assailant shot and killed the 1-year-old son of fire fighter Eldred Jacobs in a brutal attack at

his home that wounded Jacobs and other family members. The newspapers reported that Jacobs, recently transferred from police headquarters, had made a call to an Observer radio program that was intercepted. According to the press reports, Jacobs was accused of saying that he believed in the veracity of allegations of criminal wrongdoing made against the Prime Minister, and that the police would not arrest the Prime Minister because they too were implicated. The radio station owners reported that, to their knowledge, no such call came into the station. The DPP questioned the accuracy of the press report but said he would ask for an inquest into the matter.

The Government did not restrict access to the Internet.

The Government did not restrict academic freedom.

#### b. Freedom of Peaceful Assembly and Association

The Constitution provides for the right of peaceful assembly. The police generally issued the required permits for public meetings but sometimes denied them to avert violent confrontations. The opposition held several demonstrations during the year to protest government policies and alleged government scandals. There were no reports of police interference with these demonstrations.

A court dismissed the Government's case against 10 of the residents of Bendals arrested in a protest demonstration in 2001 over threats to public health caused by the operation of nearby quarries; however, the case against the group's chairman and one other protester remained in the courts at year's end.

The Constitution provides for freedom of association, and the Government generally respected this right in practice.

#### c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

Members of the Rastafarian community complained that law enforcement officials unfairly targeted them. However, it was not clear whether such complaints reflected discrimination on the basis of religious belief by the authorities or simply enforcement of the laws against marijuana, which was used as part of Rastafarian religious practice.

For a more detailed discussion see the 2002 International Religious Freedom Report.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The law provides for these rights, and the Government generally respected them in practice.

The Government assessed all claims by refugees under the provisions of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. The issue of the provision of first asylum did not arise during the year. There were no reports of the forced return of persons to a country where they feared persecution.

### Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides for a multiparty political system accommodating a wide spectrum of political viewpoints. All citizens 18 years of age and older may register and vote by secret ballot. The Constitution requires general elections at least every 5 years; the last general elections were held in 1999. The Commonwealth observer group that monitored those elections reported irregularities in the electoral process and assessed the elections as free but not fair. The Governor General appoints the senators in proportion to the parties' representation in Parliament and with the advice of the Prime Minister and the leader of the opposition.

In the 1999 elections, the Antigua Labour Party retained power by winning 12 of 17 parliamentary seats, 2 more than it had won in the previous elections in 1994. Except for a period in opposition from 1971-76, the ALP has held power continuously since 1951. The opposition charged that the ALP's longstanding monopoly on patronage and its influence over access to economic opportunities made it extremely difficult for opposition parties to attract membership and financial support. In 1992 public concern over corruption in government led to the merger of three opposition political parties into the UPP.

The Commonwealth report indicated that for the 1999 elections, the voters' register stood at 52,348 voters, of a total population of approximately 69,000 persons. Since 40 percent of the population were estimated to be below voting age, the voting rolls appeared to be inflated. According to the observer group, the weeklong voter registration appeared too restrictive and potentially disfranchised citizens, such as persons who would reach the voting age of 18 after July but before the elections. The observer group also recommended the establishment of an independent electoral commission to improve the voter registration process. In December 2001, Parliament amended the Representation of the People Act to provide for year-round registration to be effective after a new list of voters was compiled. In December the deadline to compile the new voters' list was extended to March 2003.

On April 4, the Government appointed the new Electoral Commission, which includes five members; three of the commission members (including the Chairman) were nominated by the Prime Minister and two were nominated by the opposition party. In November the opposition members walked out to protest the appointment of the Elections Supervisor, depriving the commission of a quorum and shutting down its operations. At year's end, a compromise was reached with the assistance of the Ombudsman, and it was agreed that the commission would start up again in early 2003. The Supervisor of Elections, as distinguished from the Chairman of the Electoral Commission, manages the office staff; the Electoral Commission sets policy.

There were no impediments to participation by women in government and politics. The Directorate of Gender Affairs participated in workshops to encourage women to become active in politics. There were no women elected to the 17-seat House of Representatives; there was 1 woman in the 17-seat Senate. In addition, the Speaker of the House of Representatives and the President of the Senate, both appointed positions, were women. The Attorney General, a Guyanese national resident in Antigua, was the only woman in the Cabinet.

#### Section 4. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There were no governmental restrictions on the formation of local human rights organizations. The Antigua and Barbuda Human Rights Association, chaired by a lecturer at the University of the West Indies, met sporadically. It represented individuals and groups who claimed that their rights had been violated.

The Government's Ombudsman has reviewed an increasing number of cases annually. The Ombudsman is chosen by both houses of Parliament; a resolution sets the length of his term. The current Ombudsman's term is 10 years or until age 70, whichever comes first. The office of the Ombudsman operates independently of the judiciary and the Director of Public Prosecutions; however, recommendations for trial must be approved by the DPP. The Ombudsman's office has the authority to pursue a recommendation through the ministry involved, directly with the Prime Minister, and ultimately may take the matter to Parliament. The Ombudsman, Hayden Thomas, reported that 90 percent of the cases he pursued were resolved successfully by contact with the concerned ministries. The Ombudsman makes recommendations to the Government based on investigations into citizens' complaints; however, the ministries were often slow to implement his recommendations.

#### Section 5. Discrimination Based on Race, Sex, Disability, Language, or Social Status

The law prohibits discrimination based on race, sex, creed, language, or social status, and the Government generally respected these provisions in practice.

##### Women

Violence against women was treated as a matter of public concern, and nongovernmental social welfare groups focused on the problem. Women in many cases were reluctant to testify against their abusers. A 1999 Domestic Violence Act prohibits and provides penalties for domestic violence, as well as rape and other sexual offenses. Organizations such as the Government's Directorate of Gender Affairs sought to increase women's awareness of their rights under the law in cases of domestic violence. The Directorate of Gender Affairs instituted a domestic violence program that included training for police officers, magistrates, and judges. The Directorate also ran a domestic abuse hot line and worked with a nongovernmental organization to provide safe havens for abused women and children. There were a number of active nongovernmental organizations that addressed issues affecting women.

Prostitution is prohibited, but it was a problem.

Sexual harassment is illegal, but it was rarely prosecuted. According to the Labor Department, there was a high incidence of sexual harassment reported by employees in both the private and public sectors.

While the role of women in society is not restricted legally, economic conditions in rural areas tended to limit women to home and family, although some women worked as domestics, in agriculture, or in the large tourism sector. Women were well represented in the public sector; 54 percent of the public service and over half the Permanent Secretaries were female. In addition, 41 percent of the bar association members were female.

The Professional Organization for Women of Antigua was a networking and resource group for female executives. It held seminars for women entering the workforce during the year.

#### Children

While the Government repeatedly expressed its commitment to children's rights, its efforts to protect those rights in practice were limited. The Government provided education for children through the age of 16; it was free, universal, and compulsory. Children had access to health care and other public services.

Child abuse remained a problem. The age of consent is 16 years old. In August 2001, the police uncovered a child pornography and prostitution ring, and high-ranking members of society reportedly were implicated. A task force with representatives from both the Government and nongovernmental sectors was created to investigate the matter, but no cases had been successfully prosecuted by the end of the year. Several were dismissed because the complainant failed to appear.

In 2000 the Government established a committee to implement the U.N. Convention on the Rights of the Child. In addition, the Government joined the Global Movement for Children. UNICEF helped support a study of the needs of children and families, and its recommendations were being used to develop a National Plan of Action on Child Survival, Development, and Protection.

#### Persons with Disabilities

No specific laws mandate accessibility for persons with disabilities, but constitutional provisions prohibit discrimination against the physically disabled in employment and education. There was no evidence of widespread discrimination against persons with disabilities, although the Government did not enforce the constitutional antidiscrimination provisions. There was one complaint that a person was not hired due to a disability; the Labor Commission had the matter under review at year's end.

### Section 6. Worker Rights

#### a. The Right of Association

Workers had the right to associate freely and to form labor unions. Approximately 75 percent of workers belonged to a union, and the hotel industry was heavily unionized. There were two major trade unions: The Antigua and Barbuda Trades and Labour Union (ATLU) and the Antigua and Barbuda Workers' Union (AWU). The ATLU was associated with the ruling ALP, while the larger and more active AWU was allied rather loosely with the opposition.

The law prohibits antiunion discrimination. During the year, there were two reports of antiunion discrimination but, after investigating, the Labor Commission determined that the charges had not been proved. The Labor Commission can require that employers and employees submit to mediation if antiunion discrimination is alleged. However, the mediator's recommendations are not binding, and either party may seek recourse to the courts. Employers found guilty of antiunion discrimination were not required to rehire employees fired for union activities.

Unions were free to affiliate with international labor organizations, and they did so in practice.

#### b. The Right to Organize and Bargain Collectively

Labor organizations were free to organize and bargain collectively.

The Labor Code recognizes the right to strike, but the Industrial Relations Court may limit this right in a given dispute. Workers who provide essential services (including bus, telephone, port, and petroleum workers, in addition to health and safety workers) must give 21 days' notice of intent to strike. Once either party to a dispute requests that the court mediate, strikes are then prohibited under penalty of imprisonment. Because of the delays associated with this process, unions often resolved labor disputes before a strike was called. In addition, an injunction may be issued against a legal strike when the national interest is threatened or affected. The

International Labor Organization's Committee of Experts repeatedly requested the Government to amend certain paragraphs of the 1976 Industrial Courts Act and the extensive list of essential services in the Labor Code, asserting that these provisions could be applied to prohibit the right to strike. During the year, there were seven strikes or work-related protests, including a strike against a government-owned utility company and one involving the seaport. The Education Ministry intervened in the teachers' disputes; the Labor Ministry intervened in the other cases, and the workers returned to work.

There were no export processing zones, but there were free trade zones that facilitated services such as international banking and gambling. The Labor Code applied equally to workers in these zones as elsewhere in the country.

#### c. Prohibition of Forced or Bonded Labor

The Constitution forbids slavery and forced labor, including that by children, and they did not exist in practice.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The law stipulates a minimum working age of 16 years, which corresponds with the provisions of the Education Act. In addition, persons under 18 years of age must have a medical clearance to work. The Ministry of Labor, which is required by law to conduct periodic inspections of workplaces, effectively enforced this law. The Labor Commissioner's Office also had an Inspectorate that investigated exploitative child labor matters. There was one report of a minimum age employment violation; the Labor Commission discussed the matter with both the employer and the employee, and the under-age employee stopped working.

#### e. Acceptable Conditions of Work

The Labor Code provides that the Minister of Labor can issue orders, which have the force of law, to establish a minimum wage. During the year a tripartite committee of representatives from employers, employees, and government met and recommended changes to the minimum wage. In December the Minister of Labor increased the minimum wage and set it at \$2.22 (EC\$6.00) an hour for all categories of labor. The minimum wage provided a barely adequate standard of living for a worker and family, and in practice the great majority of workers earned substantially more than the minimum wage.

The law provides that workers are not required to work more than a 48-hour, 6-day workweek, but in practice the standard workweek was 40 hours in 5 days. The law stipulates that workers receive a minimum of 12 days of annual leave. The law requires employers to provide maternity leave with 40 percent of wages for 6 weeks of leave, while social service programs provide the remaining 60 percent of wages. The employer's obligation ends after the first 6 weeks, but social services continue to pay 60 percent of wages for an additional 7 weeks, for a total of 13 weeks.

The Government has not yet developed occupational health and safety laws or regulations, but a section of the Labor Code includes some provisions regarding occupational safety and health. Plans to incorporate comprehensive legislation on safety, health, and the welfare of workers into the existing Labor Code have not been implemented. The Government was exploring alternative sources of funding to purchase health and safety equipment. Although not specifically provided for by law, workers may leave a dangerous workplace situation without jeopardy to continued employment.

#### f. Trafficking in Persons

There were no laws that specifically address trafficking in persons. At year's end, official investigations were in progress to determine whether illegal aliens had been trafficked from the country to the United States in 2000 and 2001.